

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor: Aninda Dasgupta
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Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

February 14, 2006

APPEAL BRIEF

Dear Sir:

Attached herewith is an Appeal Brief pursuant to 35 U.S.C. §134 and 37 C.F.R. §41.37 for the above-identified patent application in support of a Notice of Appeal filed with the United States Patent and Trademark Office on December 22, 2006.

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I. REAL PARTY IN INTEREST

The real party in interest in the above-entitled application is Koninklijke Philips Electronics N.V., Eindhoven, NL.

II. RELATED APPEALS AND INTERFERENCES

The undersigned attorney/agent, the appellant, and the assignee are not aware of any related appeals or interferences that would directly affect, or be directly affected by, or have a bearing on the Board's decision in this pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-24 are pending and are all on appeal. Claims 1-24 stand rejected. Claims 3, 4, 9, 10, 15, and 16 were amended during prosecution.

IV. STATUS OF AMENDMENTS

No after final amendments have been submitted.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1

Claim 1 is directed towards a digital audio playback device (DAPD). The DAPD can be coupled to a processing system by way of an external interface, wherein the processing system executes a user interface application program that accesses and controls the DAPD by way of the external interface. The DAPD also includes a memory that retains a reverse DAPD application programming interface (API). The DAPD API, when executed, allows the DAPD to access and control a user interface associated with the user interface application program. The user interface is displayed upon a monitor screen of the processing system coupled to the DAPD. (*See, inter alia*, page 12, lines 19-23; page 13, lines 16-19; page 15, lines 16-20; and page 16, lines 19-23).

Claim 2

Claim 2 depends from claim 1, and requires that the reverse DAPD API includes executable instructions for communicating with and controlling an operation of the user interface application program. (*See, inter alia*, page 7, lines 4-7; and page 8, line 22 – page 9, line 2).

Claim 3

Claim 3 depends from claim 1, and requires that the reverse DAPD API includes data that identifies a manufacturer of the DAPD and that the reverse DAPD API displays an identity of the manufacturer on the monitor screen. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 4

Claim 4 depends from claim 1, and requires that the reverse DAPD API includes data associated with a manufacturer of the digital audio playback device, and wherein the reverse DAPD API causes the processor to access and control a portion of the user interface to display the data associated with the manufacturer in at least a portion of the user interface on the monitor screen. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 5

Claim 5 depends from claim 4, and requires that the data includes a graphics file comprising a logo image associated with the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 6

Claim 6 depends from claim 4, and requires that the data includes a Universal Resource Locator of an Internet web site associated with the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 7

Independent claim 7 is directed towards a processing system that can be coupled to a DAPD by way of an external interface. A memory of the processing system includes a user interface application program that accesses and controls the DAPD. The memory additionally includes a reverse DAPD API, which is executed by a processor in the processing system and allows the DAPD to access and control a user interface associated with the user interface application program. The user interface is displayed on a screen of a display monitor associated with the processing system. (*See, inter alia*, page 12, lines 19-23; page 13, lines 16-19; page 14, lines 12-15; and page 15, lines 16-20).

Claim 8

Claim 8 depends from claim 7 and requires that the reverse API includes executable instructions for communicating with and controlling an operation of the user interface application program. (*See, inter alia*, page 7, lines 4-7; and page 8, line 22 – page 9, line 2).

Claim 9

Claim 9 depends from claim 7 and requires that the reverse DAPD API includes data indicative of an identity of a manufacturer of the DAPD and that the reverse DAPD API is capable of causing an identity of the manufacturer to be displayed on a portion of the user interface. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 10

Claim 10 depends from claim 7, and requires that the reverse DAPD API includes data associated with a manufacturer of the digital audio playback device, and wherein the reverse DAPD API enables the digital audio playback device to access and control at least a portion of the user interface to display the data associated with the manufacturer in at least a portion of the user interface on the monitor screen. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 11

Claim 11 depends from claim 10, and requires that the data includes a graphics file comprising a logo image associated with the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 12

Claim 12 depends from claim 10, and requires that the data includes a Universal Resource Locator of an Internet web site associated with the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 13

Independent claim 13 is directed towards a method for executing a reverse DAPD API, wherein the reverse DAPD API enables a DAPD to access and control a user interface displayed on a monitor of a processing system. (*See, inter alia*, page 12, lines 19-23; page 13, lines 16-19; page 14, lines 12-15; and page 15, lines 16-20).

Claim 14

Claim 14 depends on claim 13, and requires that the reverse DAPD API includes instructions for communicating with and controlling an operation of a user interface application program. (*See, inter alia*, page 7, lines 4-7; and page 8, line 22 – page 9, line 2).

Claim 15

Claim 15 depends on claim 13, and requires that the reverse DAPD API includes first data associated with a manufacturer of the digital audio playback device and that the first data is used by the DAPD to vary at least a portion of the user interface. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 16

Claim 16 depends from claim 13, and requires that the reverse API includes first data associated with a manufacturer of the digital audio playback device and that executing the reverse DAPD API includes accessing and controlling a portion of the user interface displayed on the monitor screen. (*See, inter alia*, page 18, line 22 – page 19, line 2).

Claim 17

Claim 17 depends from claim 16, and requires that the first data is displayed in at least a portion of the user interface. (*See, inter alia*, page 7, lines 8-10; page 7, lines 16-18; and page 16, lines 2-18).

Claim 18

Claim 18 depends from claim 17, and requires that the first data includes a graphics file that includes a logo image associated with the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 19

Claim 19 depends from claim 17, and requires that the first data includes a Universal Resource Locator associated with an Internet web site of the manufacturer. (*See, inter alia*, page 19, lines 2-11).

Claim 20

Independent claim 20 is directed toward computer-executable instructions for executing a reverse DAPD API, wherein the reverse DAPD API enables a DAPD to access and control a user interface displayed on a monitor of a processing system. (*See, inter alia*, page 12, lines 19-23; page 13, lines 16-19; page 14, lines 12-15; and page 15, lines 16-20).

Claim 21

Claim 21 depends from claim 20 and requires that the reverse DAPD API includes executable instructions for communicating with and controlling an operation of the user interface application program. (*See, inter alia*, page 7, lines 4-7; and page 8, line 22 – page 9, line 2).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 7, 13-14, and 20-24 are unpatentable under 35 U.S.C. §103(a) over Admitted Prior Art in view of Smyers, *et al.* (US 5,991,520) and further in view of Lau, *et al.* (US 6,681,043).

Whether claims 3-6, 8-12, and 15-19 are unpatentable under 35 U.S.C. §103(a) over Admitted Prior Art in view of Smyers, *et al.* and further in view of Lau, *et al.* and still further in view of Messer, *et al.* (US 6,762,798).

VII. ARGUMENTS

A. Rejection of Claims 1, 2, 7, 13-14, and 20-24 Under 35 U.S.C. §103(a)

Claims 1, 2, 7, 13-14, and 20-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art in view of Smyers, *et al.* and further in view of Lau, *et al.* Reversal of this rejection is respectfully requested, as the cited references, alone or in combination, fail to disclose, teach, or suggest each and every element as recited in these claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. (MPEP §2142) (Emphasis added). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1, 7, 13 and 20

The subject application is directed towards the access and control of a graphical user interface on a computing device by a connected digital audio processing device (DAPD). Accordingly, the subject claims are directed towards a DAPD that uses a reverse DAPD application program interface (API) to access and control a user interface on a connected processing system. The reverse DAPD API can be stored in the DAPD, the connected processing system, or distributed between the processing system and the DAPD. Additionally, each of the DAPD and the processing system can store a reverse DAPD API.

The Background section of the instant application discloses interaction and control of a DAPD by way of a user interface resident on a computer connected to the DAPD. (See page 2, lines 4-17). In the Final Office Action dated September 26, 2006, the Examiner concedes that the Admitted Prior Art fails to teach a reverse DAPD API that enables a DAPD to access and control a user interface displayed on a connected processing system as claimed, and accordingly cites Smyers, *et al.*

Smyers, *et al.* discloses an API that facilitates isochronous and asynchronous data transfer operations between an application and a bus structure, wherein the bus structure is desirably an IEEE 1394 standard bus structure. (See col. 4, lines 38-44). To facilitate asynchronous data transfer, the API instructs an automatic transaction generator to generate

read or write transactions that are necessary to transfer a block of data asynchronously without direct processor control or supervision by the API. (See col. 4, lines 48-59). To facilitate isochronous transfer between an application and a node on a bus structure, a buffer management scheme is employed to manage data buffers within the application. (See col. 4, lines 63-65). The API maintains a linked list of buffers that point to buffers maintained by the API, wherein the linked list of buffers is used to ensure the uninterrupted flow of a continuous stream of isochronous data. (See col. 4, line 65 – col. 5, line 3). The API additionally provides a resynchronization event in the stream of the isochronous data to allow for resynchronization to a specific point within the data. (See col. 5, lines 11-15). The API may be retained in, for instance, a video recorder and used to transfer data (asynchronously or isochronously) to a computer. (See col. 3, line 65 – col. 4, line 6).

Smyers, *et al.*, however, fails to disclose, teach, or suggest a reverse DAPD API that causes a DAPD to access and control a user interface associated with a user interface application program and displayed on a monitor screen associated with said connected processing system as required by claims 1, 7, 13, and 20. In the portions of Smyers, *et al.* cited by the Examiner, Smyers, *et al.* teaches the coupling of a video recorder to a computer, such that the video recorder can send data to the computer asynchronously or isochronously over a bus structure. (See col. 4, lines 1-5 and lines 37-41). Smyers, *et al.* additionally teaches that an API acts as an interface between different applications and a bus structure and manages the transfer of data between the bus structure and the applications. (See col. 5, lines 33-42). Moreover, Smyers, *et al.* discloses that a video monitor can receive data isochronously from a video recorder at a node coupled to a bus structure, and that an API in the video monitor manages flow of data from the bus structure to data buffers in the video monitor. (See col. 9, lines 3-13). Smyers, *et al.* also teaches that an API in the video recorder can manage transmittal of data to a bus structure, wherein the API selectively loads data into appropriate buffers in the video recorder prior to the data being transmitted to another node. (See col. 9, lines 20-29).

Thus, in summary, the portions of Smyers, *et al.* cited by the Examiner teach that an API in a node manages transmittal of data from the node to a bus structure by placing portions of data to be transmitted over a certain channel in appropriate buffers. Smyers, *et al.* additionally teaches that an API in a node manages receipt of data from a bus structure over a certain channel by selectively placing received data in particular buffers in the node. The Examiner reasons that since data transmitted from a video recorder through use of an API may be displayed on a monitor, the API necessarily causes the processor of the video recorder to access and control a user interface on the monitor. More particularly, in the Advisory Action the Examiner states:

(1) Since the data from the recorder is displayed on the video monitor, the user interface of [the] video monitor is accessed and controlled by the video cassette by using the API to transfer the data of the video cassette for display. (2) The data of the video cassette cannot be displayed on the video monitor without accessing the user interface of the video monitor.¹

Such reasoning is faulty. With regard to the first statement, the API in the video recorder simply manages transfer of data from the video recorder to a bus structure. Upon being presented with the data, the API in the video monitor manages the transfer of the data to buffers in the video monitor. Therefore, the video monitor is not accessed and controlled by the video recorder, but simply receives data from the video recorder. With regard to the second statement, it is apparent that the data of the video recorder can be displayed on the video monitor without accessing the user interface of the video monitor. With more specificity, the video monitor of Smyers, *et al.* receives data from the video recorder without the video recorder accessing or controlling the video monitor. The video monitor then renders the data for display in accordance with its design, and not under the control of the video recorder. Thus, it cannot be said that the API of either the video recorder or the monitor

¹ Advisory Action dated 1/3/2007

enables the video recorder to access and control a user interface in the video monitor. Accordingly, Smyers, *et al.* fails to disclose, teach, or suggest a reverse DAPD API that causes the DAPD to access and control a user interface associated with a user interface application program and displayed on a monitor screen associated with a connected processing system as required by the subject claims.

The Examiner additionally cites Lau, *et al.* to make up for deficiencies of the Admitted Prior Art and Smyers, *et al.* Lau, *et al.* is directed towards a video processing environment that includes a user interface and processing shell from which various video processing 'plug-in' programs are accessed. The user interface taught by Lau, *et al.* allows a user to perform various actions with respect to a video sequence. (*See Abstract*). Lau, *et al.*, however, like the Admitted Prior Art and Smyers, *et al.*, fails to disclose, teach, or suggest a reverse DAPD API that causes a DAPD to access and control a user interface associated with a user interface application program and displayed on a monitor screen associated with a connected processing system as claimed. Therefore, reversal of this rejection is respectfully requested.

Claims 2, 8, 14, and 21

These claims require that the reverse DAPD API of the respective base claims includes executable instructions for communicating with and controlling an operation of the user interface application program. The combination of the Admitted Prior Art, Smyers, *et al.*, and Lau, *et al.* fails to disclose, teach, or suggest this claimed element. The portion of Smyers, *et al.* cited by the Examiner as disclosing aspects of the subject claims teaches the use of an API in connection with the isochronous receipt of data at a video monitor from a bus structure. More particularly, the API manages the flow of data from the bus structure to a plurality of buffers. (*See col. 9, lines 3-13*). It is readily apparent, then, that the API of Smyers, *et al.* fails to include executable instructions for communications with and controlling operation of a user interface application program as claimed.

B. Rejection of Claims 3-6, 8-12, and 15-19 Under 35 U.S.C. §103(a)

Claims 3-6, 8-12, and 15-19 are rejected as being unpatentable under 35 U.S.C. §103(a) over Admitted Prior Art in view of Smyers, *et al.* and further in view of Lau, *et al.* and still further in view of Messer, *et al.* Reversal of this rejection is respectfully requested, as the cited references, alone or in combination, fail to disclose, teach, or suggest each and every aspect of the subject claims.

Claims 3 and 9

Claims 3 and 9 require that the reverse DAPD API causes an identity of the manufacturer of the DAPD to be displayed on the monitor screen of claims 1 and 7, respectively. The Examiner acknowledges that the Admitted Prior Art, Smyers, *et al.*, and Lau, *et al.* fail to teach or suggest display of a manufacturer of a DAPD on a monitor screen, and accordingly cites Messer, *et al.*

Messer, *et al.* is directed towards customization of picture-in-picture windows in connection with digital television regardless of manufacturer of a digital television. Accordingly, in the portion of Messer, *et al.* cited by the Examiner, Messer, *et al.* teaches that a picture in picture window is created when customized scale factors are within capabilities of the television. (See col. 11, lines 59-64). Messer, *et al.*, however, is silent with regard to identifying the manufacturer of the digital television. Messer, *et al.* is also silent with respect to displaying the identity of the manufacturer of the digital television. Additionally, the present dependent claims are directed to the manufacturer of the digital audio playback device – in other words, a device that would be connected to the digital television of Messer, *et al.* Accordingly, reversal of the rejection of these claims is respectfully requested.

Claims 4, 10, and 15-17

Claims 4, 10, and 15-17 require that the reverse DAPD API includes first data that is associated with a manufacturer of the digital audio playback device, and claims 4, 10, and 17 additionally require that the first data is displayed on a portion of a monitor screen. Again,

there is no teaching or suggestion within Messer, *et al.* with respect to a manufacturer, much less display of an identity of a manufacturer on a user interface.

Claims 5, 11, and 18

These claims depend from claims 4, 10, and 17, respectively, and require that the first data includes a logo image of the manufacturer. As stated *supra*, Messer, *et al.* fails to disclose, teach, or suggest a reverse DAPD API that includes data indicative of a manufacturer of a digital audio playback device, much less a logo image of the manufacturer.

Claims 6, 12, and 19

Claims 6, 12, and 19 depend from claims 4, 10, and 17, respectively, and require that the first data includes a Universal Resource Locator associated with an Internet web site associated with the manufacturer. This is clearly not disclosed, taught, or suggested by Messer, *et al.*

Other Dependent Claims

Other dependent claims not specifically mentioned above are believed to be allowable at least by virtue of their dependencies on their respective base claims.

VIII. CONCLUSION

In view of the foregoing, it is submitted that claims 1-24 distinguish patentably and non-obviously over the prior art of record, and reversal of the rejection of claims 1-24 is respectfully requested.

Respectfully submitted,

DRIGGS, HOGG & FRY CO., L.P.A.



Anthony M. Del Zoppo, Reg. No. 51,606

Driggs, Hogg & Fry Co., L.P.A.

38500 Chardon Road

Willoughby Hills, Ohio 44094

Phone: 1.440.391.5100

Fax: 1.440.391.5101

Direct all correspondence to:

Yan Glickberg, Registration No. 51,742

Philips IP&S

P.O. Box 3001

Briarcliff Manor, NY 10510-8001

Phone: (914) 333-9608

Fax: (914) 332-0615

IX. CLAIM APPENDIX

1. A digital audio playback device (DAPD) comprising:
 - an external interface capable of being coupled to a connected processing system, said connected processing system capable of executing a user interface application program that accesses and controls said digital audio playback device via said external interface;
 - a memory coupled to said external interface capable of storing a reverse DAPD application programming interface (API); and
 - a processor coupled to said memory and said external interface and capable of executing said reverse DAPD API, said reverse DAPD API capable of causing said processor to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said connected processing system.
2. The digital audio playback device as set forth in Claim 1 wherein said reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of said user interface application program.
3. The digital audio playback device as set forth in Claim 1 wherein said reverse DAPD API comprises first data which identifies a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of causing an identity of the manufacturer to be displayed on the monitor screen in a human-readable form.
4. The digital audio playback device as set forth in Claim 1 wherein said reverse DAPD API comprises first data associated with a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of causing said processor to access and control at least a portion of said user interface to display said first data in said at least a portion of said user interface displayed on said monitor screen.

5. The digital audio playback device as set forth in Claim 4 wherein said first data comprises a graphics file comprising a logo image associated with said manufacturer.

6. The digital audio playback device as set forth in Claim 4 wherein said first data comprises a Universal Resource Locator (URL) associated with an Internet web site associated with said manufacturer.

7. A processing system comprising:

an external interface capable of being coupled to a connected digital audio playback device, said connected digital audio playback device capable of playing audio files stored in said digital audio playback device;

a memory coupled to said external interface capable of storing a user interface application program that accesses and controls said digital audio playback device via said external interface and capable of storing a reverse DAPD application programming interface (API); and

a processor coupled to said memory and said external interface and capable of executing said user interface application program and said reverse DAPD API, said reverse DAPD API capable of communicating with said digital audio playback device and enabling said digital audio playback device to access and control a user interface associated with said user interface application program and displayed on a monitor screen associated with said processing system.

8. The processing system as set forth in Claim 7 wherein said reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of said user interface application program.

9. The processing system as set forth in Claim 7 wherein said reverse DAPD API comprises first data indicative of an identity of a manufacturer of said digital audio playback

device, and wherein said reverse DAPD API is capable of causing an identity of said manufacturer to be displayed in said at least a portion of said user interface displayed in said monitor screen.

10. The processing system as set forth in Claim 7 wherein said reverse DAPD API comprises first data associated with an identity of a manufacturer of said digital audio playback device, and wherein said reverse DAPD API is capable of enabling said digital audio playback device to access and control at least a portion of said user interface to display said first data in said at least a portion of said user interface displayed on said monitor screen.

11. The processing system as set forth in Claim 10 wherein said first data comprises a graphics file comprising a logo image associated with said manufacturer.

12. The processing system as set forth in Claim 10 wherein said first data comprises a Universal Resource Locator (URL) associated with an Internet web site associated with said manufacturer.

13. For use in association with a digital audio playback device (DAPD) and a processing system capable of being connected to the digital audio playback device, a method of displaying information on a monitor screen of the connected processing system, the method comprising the steps of:

executing in the connected processing system a user interface application program that accesses and controls the digital audio playback device; and

executing a reverse DAPD application programming interface (API), wherein the step of executing the reverse DAPD API enables the digital audio playback device to access and control a user interface associated with the user interface application program and displayed on a monitor screen associated with the connected processing system.

14. The method as set forth in Claim 13 wherein the reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of the user interface application program.

15. The method as set forth in Claim 13 wherein the reverse DAPD API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of the user interface.

16. The method as set forth in Claim 13 wherein the reverse DAPD API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD API comprises the substep of accessing and controlling at least a portion of the user interface displayed on the monitor screen.

17. The method as set forth in Claim 16 wherein the step of executing the reverse DAPD API comprises the substep of displaying the first data in the at least a portion of the user interface.

18. The method as set forth in Claim 17 wherein the first data comprises a graphics file comprising a logo image associated with the manufacturer.

19. The method as set forth in Claim 17 wherein the first data comprises a Universal Resource Locator (URL) associated with an Internet web site associated with the manufacturer.

20. For use in association with a digital audio playback device (DAPD) and a processing system capable of being connected to the digital audio playback device, computer-executable instructions stored on a removable storage medium readable by said processing system, the

computer-executable instructions comprising a method of displaying information on a monitor screen of the connected processing system, the method comprising the steps of:

executing in the connected processing system a user interface application program that accesses and controls the digital audio playback device; and

executing a reverse DAPD application programming interface (API), wherein the step of executing the reverse DAPD API enables the digital audio playback device to access and control a user interface associated with the user interface application program and displayed on a monitor screen associated with the connected processing system.

21. The computer-executable instructions stored on a removable storage medium as set forth in Claim 20 wherein the reverse DAPD API comprises executable instructions capable of communicating with and controlling an operation of the user interface application program.

22. The computer-executable instructions stored on a removable storage medium as set forth in Claim 20 wherein the reverse DAPD API comprises first data associated with a manufacturer of the digital audio playback device.

23. The computer-executable instructions stored on a removable storage medium as set forth in Claim 22 wherein the step of executing the reverse DAPD API comprises the substep of accessing and controlling at least a portion of the user interface displayed on the monitor screen.

24. The computer-executable instructions stored on a removable storage medium as set forth in Claim 23 wherein the step of executing the reverse DAPD API comprises the substep of displaying the first data in the at least a portion of the user interface.

XI. RELATED PROCEEDINGS APPENDIX

None known to undersigned attorney/agent.